

## ADMINISTRATIVE PANEL DECISION

SolvChem, Inc. v. Name Redacted

Case No. D2025-1079

### 1. The Parties

The Complainant is SolvChem, Inc., United States of America ("U.S."), represented by Fasthoff Law Firm PLLC, U.S.

The Respondent is Name Redacted<sup>1</sup>, U.S.

### 2. The Domain Name and Registrar

The Disputed Domain Name <solvchme.com> is registered with Hostinger Operations, UAB (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 15, 2025. On March 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 18, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Name which differed from the named Respondent (Domain Admin, Privacy Protect LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 18, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on March 18, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

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<sup>1</sup> The Respondent appears to have used name of Complainant's attorney with the Complainant's organization name when registering the Disputed Domain Name. In light of the potential identity theft, the Panel has redacted the Respondent's name from this decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the Disputed Domain Name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2025. The Respondent sent email communications to the Center on March 18 and 19, 2025. On March 19, the Center sent an email to the Parties regarding a possible settlement. The Complainant did not request suspension of the proceeding, nor did the Respondent submit a Response by April 8, 2025. On April 9, 2025, the Center informed the Parties that it would proceed with Panel Appointment.

The Center appointed Purvi Patel Albers as the sole panelist in this matter on April 16, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a U.S. corporation that serves as a leading chemical supply company. The Complainant offers a variety of organic and inorganic chemicals and various services in the chemical industry, such as custom blending, export services, chemical distribution, and technical services. The Complainant has been operating in these fields since 1981.

The Complaint includes evidence of ownership of U.S. trademark registration No. 3,729,444 for SOLVCHEM (and design) (registered December 22, 2009) for use in connection with “chemicals for industrial purposes” and “custom blending of chemicals for industrial use”, claiming use dating back to October 2008. The Complainant also owns the domain name <solvchem.com>.

The Disputed Domain Name was registered on February 5, 2025. The Complaint includes evidence that on March 14, 2025, the Disputed Domain Name resolved to a website purportedly selling shipping containers. The Disputed Domain Name featured prominent use of the SOLVCHEM mark and copied the Complainant’s logo, contact information, and graphical design of its website at <solvchem.com>. The Complainant also introduced evidence that the Disputed Domain Name was registered, without authorization, under the name of one of the Complainant’s lawyers, with the Complainant’s organization name and business address, and was used in a fraudulent email scam impersonating employees of the Complainant.

At the time of writing this decision, the Disputed Domain Name is inactive.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, the Complainant contends that it has rights in the SOLVCHEM mark due in part to the U.S. trademark registration above. The Complainant further asserts that the Disputed Domain Name is confusingly similar to the SOLVCHEM mark.

The Complainant also contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Complainant asserts it has not authorized the Respondent to use or register the Disputed Domain Name. The Complainant further asserts that the Respondent is not using the Disputed Domain Name in connection with a bona fide offering of goods or services or in a legitimate non-commercial or fair manner because the Respondent is using the deceptively similar domain name and falsely presenting itself as the Complainant’s official site to purportedly sell shipping containers.

Finally, the Complainant contends, among other things, that the Disputed Domain Name was registered and acquired primarily for the purpose of using it to target third parties by way of serious, unlawful, and fraudulent email scams to procure goods from third parties under false pretenses. By using the Disputed Domain Name and sending fraudulent emails impersonating genuine employees of the Complainant, the Respondent is intentionally attempting to opportunistically attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Name.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions. However, the Respondent did send an email communication on March 18, 2025, stating their belief that the Complaint was "made in bad faith and appears to be intended to harass and intimidate." The Respondent sent an additional email communication on March 19, 2025, indicating an intention to resolve the dispute amicably. The Parties did not submit a request for suspension of the proceedings, and no further communication was received from the Respondent.

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, to succeed in this dispute, the Complainant must establish that:

- i. the Disputed Domain Name is identical or confusingly similar to a trademark in which the Complainant has rights;
- ii. the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- iii. the Disputed Domain Name has been registered and is being used in bad faith.

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Disputed Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark for purposes of the Policy through the trademark registration cited above. Thus, the Complainant has provided prima facie evidence of trademark rights. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's SOLVCHEM trademark. The mark is clearly recognizable within the Disputed Domain Name – differing only in that in the Disputed Domain Name, the "m" and "e" in "chem" are reversed. This conduct is commonly referred to as "typosquatting" and creates a virtually identical and/or confusingly similar domain name to the Complainant's trademark. (See *ESPN, Inc. v. XC2*, WIPO Case No. [D2005-0444](#); *Longs Drug Stores California, Inc. v. Shep Dog*, WIPO Case No. [D2004-1069](#).) Ample authority exists to support the conclusion that "essential" or "virtual" identity is sufficient for the purposes of satisfying confusing similarity as the mark remains recognizable (See *Disney Enterprises, Inc. v. John Zuccarini, Cupcake City and Cupcake Patrol*, WIPO Case No. [D2001-0489](#); *United Feature Syndicate, Inc. v. Mr. John Zuccarini*, WIPO Case No. [D2000-1449](#)).

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Disputed Domain Name was registered 16 years after the Complainant received its U.S. registration for the SOLVCHEM mark and at least 17 years after the Complainant began using the mark. The Complainant has not authorized the Respondent to use said mark or register a domain name incorporating it. There is also no evidence showing that the Respondent is, or has been, known as “solvchme” or similar.

Furthermore, the Respondent has no legitimate interests in the Disputed Domain Name. The Respondent is using the deceptively similar Disputed Domain Name and falsely presenting itself as the Complainant’s official site to purportedly sell shipping containers. Without the Complainant’s authorization, the Respondent has also used the Disputed Domain Name to create an email address and used that email address to send at least one fraudulent purchase order that embodies the Complainant’s trademark and contact information. As such, the Respondent appears to be using the Complainant’s mark in an effort to imitate the Complainant and trick consumers into believing that the Respondent’s site is the Complainant’s or is affiliated with the Complainant. Panels have held that the use of a domain name for illegitimate activity, such as claimed impersonation, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

It is well-settled that the practice of typosquatting, of itself, is evidence of the bad faith registration of a domain name. See, *Longs Drug Stores Cal., Inc. v. Shep Dog*, WIPO Case No. [D2004-1069](#) (February 28, 2005) (finding typosquatting to be evidence of bad faith domain name registration); *Lexar Media, Inc. v. Huang*, WIPO Case No. [D2004-1039](#) (January 26, 2005) (“Typosquatting has been held under the Policy to be evidence of bad faith registration of a domain name.”); *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#) (November 29, 2004) (“[typosquatting] is presumptive of registration in bad faith”). In the present case, the Respondent has registered a domain name that is nearly identical to the Complainant’s trademark and URL. As discussed above, this is a form of typosquatting, which in the circumstances of this case is evidence in itself of a bad faith registration.

In addition to the circumstances in paragraph 4(b) of the Policy, the Panel may consider other relevant details in assessing the bad faith element. [WIPO Overview 3.0](#), section 3.2.1. Panels have held that the use of a domain name for deceptive activity, such as impersonation email scams and other types of fraud, constitute bad faith. [WIPO Overview 3.0](#), section 3.4; See, e.g., *Minerva S.A. v. Whoisguard Protected, Whoisguard, Inc., / GREYHAT SERVICES*, WIPO Case No. [D2016-0385](#). In the present case, without the Complainant’s consent, the Respondent created an email address using the Disputed Domain Name to send

fraudulent emails to third parties, purporting to act on behalf of the Complainant in an effort to procure goods under false pretenses. In one example, the Respondent sent a fraudulent purchase order form to the Complainant's vendor, falsely representing the Complainant as the buyer, and forged the signature of an employee of the Complainant.

Further, the Respondent has used the Disputed Domain Name to resolve to a website that reproduces the contents of the Complainant's website at <solvchem.com>. The Complainant has provided clear evidence that the Respondent has sought to impersonate the Complainant. This is further demonstrated by the Complainant's evidence that the Respondent used false contact information to register the Disputed Domain Name. Specifically, when registering the Disputed Domain Name, the Respondent listed the Complainant's organization name, the name of one of the Complainant's own lawyers, and the Complainant's business address. The use of false registration information in connection with the Disputed Domain Name further supports the finding of bad faith registration and use. *See Action Instruments, Inc. v. Technology Associates*, WIPO Case No. [D2003-0024](#) ("Providing false contact information violates paragraph 2 of the Policy, which requires a registrant to represent that the statements it 'made in [its] Registration Agreement are complete and accurate'. Maintaining that false contact information in the WHOIS records (which can easily be updated at any time) after registration constitutes bad faith use of a domain name because it prevents a putative complainant from identifying the registrant and investigating the legitimacy of the registration."); *Royal Bank of Scotland Group v. Stealth Commerce a.k.a. Telmex Management Services, Inc.*, WIPO Case No. [D2002-0155](#); *Home Director, Inc. v. HomeDirector*, WIPO Case No. [D2000-0111](#).

The Panel finds that the Complainant has established the third element of the Policy.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Disputed Domain Name <solvchme.com> be transferred to the Complainant.

/Purvi Patel Albers/

**Purvi Patel Albers**

Sole Panelist

Date: May 1, 2025